



Zoning Board
of Appeals

ZONING BOARD OF APPEALS

221 Main Street
Boylston, Massachusetts 01505
Telephone 508-869-0143

MEETING MINUTES Monday, January 10, 2022

CHAIRMAN: William Filsinger
MEMBERS PRESENT: Janet Lombardi, Brad Wyatt, Robert Cotter, Arlene Murphy
MEMBERS ABSENT: None
OTHER ATTENDEES: Adam Costa, Special Town Counsel, Joe Peznola-MHP
Consultant
RECORDER: Nina Gardner

Mr. Filsinger called the meeting to order at 7:01 p.m. The Board reviewed the minutes of October 14, 2020. Ms. Murphy motioned to approve as amended by Ms. Lombardi and Mr. Cotter seconded; all voted in favor by roll call vote:

Mr. Wyatt-yes
Ms. Lombardi-yes
Mr. Cotter-yes
Ms. Murphy-yes
Mr. Filsinger-yes

Reorganize Board – Mr. Cotter motioned to have Mr. Filsinger continue as Chair of the ZBA and Mr. Wyatt seconded; all voted in favor. Mr. Filsinger nominated Ms. Lombardi to represent the ZBA on the Earth Removal Board. Mr. Wyatt seconded; All voted in favor.

726 Main Street-Variance-Greg Cincotta was present on behalf of himself and his Daughter. They are proposing to demo the existing garage and rebuild. They are requesting a variance for 10 feet from the rear setback and the building will be 5.7 feet from the side setback of 20 feet.

Mr. Cincotta presented the green certified mailing cards. However, he did not have the white receipts from the post office. He chose to continue the application process at his own risk. He will deliver the receipts to Ms. Gardner at a later date. There was a brief

discussion regarding the buffer zone. The Board reviewed the plan of the new garage ConCom requested that be shown on the plan. The existing fence will remain as is.

The Board made the following findings:

- A. Special conditions affecting the land or buildings involved, but not affecting generally the Zoning District in which such land or buildings are located are: relatively small lot area.
- B. A literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise to the petitioner for the following reasons: Inability to construct slightly larger structure.
- C. We believe that desirable relief may be granted without substantial detriment to the public good for the following reasons: No apparent impact to the public good because of a slightly larger structure.
- D. We believe that desirable relief may be granted without nullifying or substantially derogating from the intent and purpose of the Boylston Zoning Bylaw for the following reasons: There is no apparent impact to the intent and purpose of the zoning bylaws caused by a slightly larger structure.

Mr. Wyatt motioned to grant the variance for 726 Main Street of 10 feet from the rear setback based on the above findings. Mr. Cotter seconded; all voted in favor by roll call vote:

Mr. Wyatt-yes
Ms. Lombardi-yes
Mr. Cotter-yes
Ms. Murphy-yes
Mr. Filsinger-yes

100 Shrewsbury Street-Trailside Apartments-Mr. Filsinger opened the public hearing for 100 Shrewsbury Street. Adam Costa, Special Counsel for this project was introduced. He will present an overview of his responsibilities in the permitting process. Also introduced was Joe Peznola of Hancock Associates. He is the Consultant hired through a grant from MHP.

Also present for this hearing was Patrick Healy, Thompson-Liston on behalf of the applicant, Leo DeSilva, Elite Builders and Attorney Louis Levine, the applicant's attorney, via phone.

Patrick Healy gave an overview of the property and the scope of the project. The applicant is proposing a 63-unit, four-story building. He described the property also. There will be commercial land set aside for possible future development. Soil testing has been completed, site already flattened and there is public water supply that exists in Zone 2.

There will be monies paid to the Town under the Comprehensive Permit and the structured based on agreement with the Board of Selectmen. Attorney Levine addressed the board via phone and the number of bedrooms was discussed per units. The Board of Selectmen stated (7) 3 bedroom units were required per the inclusionary zoning. The escrow account was discussed and Attorney Levine stated they would be agreeable to depositing 10,000 in a 53G account. Traffic and Engineering consultants were discussed and the applicants would be fine with one company doing both reviews. Graves Engineering does all of Planning Board and Conservation reviews for projects and the Town generally uses WSP for traffic review. It was agreed to ask them both to work on this project. There was a brief discussion regarding the number of units on the application and the original number of units approved by DHCD. The applicant will send a letter to DHCD stating the number has increased from 60 to 63 per the Board's request. The DHCD will determine if the change is substantial or insubstantial.

Mr. Peznola gave an overview of his role in the process for the 40B. He will assist in the navigating and understanding issues and impacts as they relate to the process and regulations with the evaluation process of the Comprehensive/40B Permit. Mr. Peznola referred to his letter to Mr. Filsinger dated January 4, 2022 which outlines the criteria and timelines for this project.

He gave a brief history of his experience and stated he is here to help with whatever the Board needs and coordinate with Peer reviewers. He has done an initial review of the application and confirmed there is a valid date of the application, the project eligibility letter was received on August 17, 2021 and the limited dividend liability is Trailside, LLC.

He explained that the Board does not need to be involved in the subsidizing part of the project. The State monitors the paperwork. The State regulations were changed in 2008 which clarified boards responsibilities.

Mr. Peznola has no issue with documents that have been submitted and said the applicant is compliant. Waivers can be issued by the Board of Health. Mr. Peznola recommends focus be on peer reviews of traffic and civil engineering.

There will be 5 or 6 meetings and the deadline from receipt of the application of 180 days is July 8, 2022. Mr. Peznola will update the board every month with a letter prior to the meeting.

He discussed the 40B process, Peer Review, future schedule and scheduling site walk. There have been no comments from staff, boards or departments thus far. The whole process could take five or six months to review and Mr. Peznola has included a schedule in his letter.

Attorney Costa stated he is Special Counsel and there to advise and answer and deal with any legal issues. He will look at Comprehensive Permit and the commercial component. He will be sure state regulations are being followed and the applicability of permit rules and regulations.

Attorney Costa will author the draft decision and will note issues during the process and keep track of any waivers and conditions. Attorney Levine asked that Peer reviewers are realistic with response times and schedule. Mr. Peznola stated that the Peer reviewers should advise that the project can be comfortably built and engineering is correct. He would prefer all the consultants communicate so reviews are already addressed and not done at the meetings. The Board should

be copied. The Board agreed to have a Site inspection of the property on Saturday, January 22nd at 11:00 a.m. Mr. Healy will stake out the building corners and proposed driveways. Attorney Costa reminded the Board they cannot deliberate about the subject matter while at the Site.

Mr. Wyatt motioned to continue the public hearing until Monday, January 31, 2022 at 6:30 p.m. Mr. Cotter seconded; all voted in favor by roll call vote:

Mr. Wyatt-yes
Ms. Lombardi-yes
Mr. Cotter-yes
Ms. Murphy-yes
Mr. Filsinger-yes

85 Sewall Street Discussion-Scott Goddard was present to discuss the property located at Route 140, School and Sewall Streets. Mr. Goddard gave a brief overview of the history of the property and what has transpired in the past few years regarding the property. It is the land behind the apartment building. The owners, Bethlehem Bible had approval in 2017 from Mass Housing but held back on a 40B because the Town didn't really want that. The land was rezoned MUI. The apartment buildings were built and now the owners are looking for direction as to what direction to proceed with for the remaining 30 acres. They could develop 22 lots with single family homes, but the lots are zoned rural residential and would require waivers or a variance or asking the town to rezone those lots to residential. They could come back with a 40B application or a LIP project. The Board discussed options with Mr. Goddard. He could develop possibly 17 of the lots without any waivers or variances. The Board was not ready to advise at this point. Mr. Goddard will return to the Board with a possible different option. The Board will review again at a later date.

Mr. Wyatt motioned to adjourn at 9:55 p.m. Mr. Cotter seconded; all voted in favor.

Meeting Materials:

726 Main Street Variance (on file in Building Dept)

100 Shrewsbury Street LIP Application (on file in Building Dept)

Letter from Hancock Associates dated 1/4/22 (on file in Building Dept)